

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

DZ BANK AG DEUTSCHE ZENTRAL- )  
GENOSSENSCHAFTSBANK, FRANKFURT )  
AM MAIN, NEW YORK BRANCH, )  
                                    )  
                                    )  
Plaintiff,                      )  
                                    )  
                                    )  
v.                                 ) Case No. CIV-10-102-D  
                                    )  
                                    )  
HENDRICKSON INSURANCE SERVICES, )  
INC., and TROY K. HENDRICKSON, )  
                                    )  
                                    )  
Defendants.                     )

**ORDER**

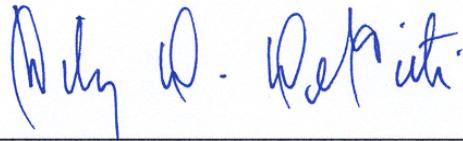
Before the Court is Plaintiff's Motion for an Award of Attorney Fees [Doc. No. 49], filed January 10, 2012, pursuant to Fed. R. Civ. P. 54(d)(2) and LCvR54.2. Plaintiff seeks to recover attorney fees and costs incurred in its recovery of a judgment in the amount of \$212,575.73, against Defendants Hendrickson Insurance Services, Inc. and Troy K. Hendrickson for an unpaid debt. The Motion is unopposed within the time period for a response and, in the Court's discretion under LCvR7.1(g), is deemed confessed. Further, for the reasons stated herein, the Court finds that the Motion should be granted.

The undisputed facts shown by the record establish that Plaintiff is contractually entitled to a recovery of costs, including attorney fees and expenses, incurred in connection with the enforcement of the loan documents upon the borrower's breach and enforcement of the guaranty. Under Kansas law, which governs the dispute, the amount of attorney fees awarded must be reasonable. *See Neustrom v. Union Pac. R.R. Co.*, 156 F.3d 1057, 1068 (10th Cir. 1998). Consistent with LCvR54.2, the Motion is accompanied by two affidavits providing relevant information. Attorney James Vogt, Plaintiff's counsel of record, submits an affidavit reflecting his services as

local counsel and showing billable time valued at \$3,650.00. Attorney Alex Darcy has provided an affidavit and documents showing that his Chicago-based law firm performed the bulk of legal services in this case and incurred time and expenses in the amount of \$22,197.77. Upon consideration, the Court finds that the total amount of \$25,847.77 is reasonable for the legal fees necessarily incurred in this action.

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Award of Attorney Fees is GRANTED. The Court orders an award of attorney fees to Plaintiff in the amount of \$25,847.77 to be included in the judgment and recovered in the same manner as costs.

IT IS SO ORDERED this 17<sup>th</sup> of February, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE